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IV#2210407

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV #2210407

Subject: **Felicia R. Price, Deputy Sheriff, [redacted]**

Date: **October 25, 2007**

Time: **0842 hours**

Location: [redacted]

At the above date and time, deputies from the Marina Del Rey Station were dispatched and responded to a 911 hang-up call emanating from the location, Subject Price's residence. Upon their arrival, deputies allegedly saw the subject carrying her [redacted] and displaying her Sheriff's Department flat badge as she exited her residence. As she walked closer toward the deputies, they noticed redness and scratches on Subject Price's neck and questioned her about the reason for the 911 call. She allegedly lied and provided evasive answers to their questions regarding the suspect's whereabouts and about the nature of the incident thereby delaying and obstructing them in their investigation. She also allegedly placed them in a precarious and possibly dangerous situation because her [redacted], Suspect [redacted], has a long criminal history which includes [redacted] The subject's evasiveness allegedly caused a protracted initial investigation delaying deputies from determining if the violence-prone suspect was in the vicinity and from them putting out a crime broadcast regarding the suspect. Suspect [redacted] made himself known only after deputies began checking the vehicle identification number on the suspect's truck (refer to **Exhibit F, Figure 1**) which was parked in front of the subject's residence.

__WITNESSES__

DUCOULOMBIER, George M., [redacted] Sergeant, Marina Del Rey Station

Witness Ducoulombier was interviewed on January 3, 2008, by Internal Affairs Bureau (IAB) Sergeant David Stunson. The interview was audio recorded. Sergeant Ducoulombier said he has been assigned to the Marina Del Rey Station for approximately 8 years.

On the date and time of the incident, Sergeant Ducoulombier was assigned as the watch commander. He said following the arrest of Suspect [redacted], Deputies Schwabe and Miller presented the arrest review to him. During the presentation, in addition to describing the elements of the violation for 273.5 P.C., they also described Subject Price's conduct. He said deputies told him that the subject lied to them about where the suspect was when they arrived, telling them he had left, in a dark colored car. They said she behaved as if she wanted the deputies to leave the location and they felt strongly the subject was being significantly uncooperative with them in their investigation.

Sergeant Ducoulombier said based on what he was told by Deputies Schwabe and Miller, he had serious concern about Subject Prices's lack of cooperation at the 911 hang-up call and he called the subject's watch commander at Twin Towers Correctional Facility (TTCF) to advise him/her of the incident. The witness could not remember the name of the watch commander he spoke with. He said Deputy Schwabe also later contacted TTCF Captain Gregory Adams and advised him of the subject's conduct during their contact with her on the 911 hang-up call.

> **IAB Note:** According to TTCF then Operations Lieutenant Charles Antuna, TTCF Watch Commander Cynthia Conner received the initial notification call from Subject Price early on October 25, 2007, and he (Antuna) received a second notification call from her at approximately 1000 hours on the same date.
>
> The IAB investigator contacted Lieutenant Conner who said she did not receive a call from the subject on the date of the incident. She checked the TTCF Watch Commander Log and confirmed she was contacted by Lieutenant Antuna who requested she make a log entry after the subject called him, not Lieutenant Conner.

SCHWABE, Matthew C. #[redacted], Deputy Sheriff

Witness Schwabe is a patrol deputy assigned to the Marina Del Rey Station. Witness Schwabe was interviewed on January 3, 2008, by IAB Sergeant David Stunson. The interview was audio recorded.

The witness said he has worked 18 of his 21 years on the Sheriff's Department in a patrol assignment and has responded to countless 911 hang-up and 273.5 P.C. calls during his time in patrol. On the shift and date of the incident, he was working with his partner, [redacted] Witness Deputy Jan Miller.

Witness Schwabe said he and Witness Miller, along with several other Marina Del Rey Station deputies, responded to the location, coordinating assisting units' responses en route. On their arrival, the witness said they saw the subject exit her home displaying her flat badge and carrying her [redacted] in her arms on that cold morning. He noted Subject Price had red marks on her neck and had apparently been involved in some sort of physical altercation.

The witness described in detail how the subject was evasive in answering his and Witness Miller's questions regarding why 911 was called, why no one answered when the station desk called back, and also regarding where the suspect was located. He said her answers were always provided after unusually long pauses. After an extended period of time, deputies were able to determine that the suspect was still at the location when the suspect exited the residence. Deputies arrested the suspect.

The witness was incensed by the subject's lack of cooperation during their contact with her. He said she was not rude, but she definitely did not want them at the location and did not want deputies to contact her [redacted], the suspect, who it was later discovered, had an extensive criminal record.

For complete details of Deputy Schwabe's 40 minute interview, refer to the interview transcription in this case book.

MILLER, Jan M., #[redacted], Deputy Sheriff

Witness Miller is a deputy at Marina Del Rey Station and she responded to the 911 hang up call with her partner Deputy Schwabe. She was interviewed by IAB Sergeant David Stunson on January 3, 2007. The interview was audio recorded.

The witness said she was in [redacted] when they responded to the October 25, 2007, 911 hang-up call. She said they were given the handle on the call along with multiple assisting units, coordinating the call en route. Due to not knowing why there was a hang-up, they handled the call as a possibly hazardous situation. When they arrived, she saw Subject Price exiting the residence. The subject displayed her flat badge while also carrying her [redacted], telling the arriving deputies, "It's all right. He's gone." The witness noticed multiple marks on Subject Price's arms and neck. She and Deputy Schwabe questioned her as to how she received the injuries and the subject told them her [redacted] caused them. The subject also told deputies that her [redacted] had left the location prior to their arrival.

The witness said that as she and Deputy Schwabe continued to question her, the subject seemed hesitant to provide complete and truthful answers to their questions. She told the deputies she and her [redacted], who she again said had left the location, had been in an argument. Out of concern for the [redacted] welfare, considering it was cold out and the [redacted] was only [redacted] old, the deputies suggested they move their contact inside the residence, but the subject declined. When asked why she did not want the deputies to come into her home, she said that she had the right to refuse them. The witness said the suspect eventually came out and was arrested for battering the subject.

Witness Miller said she was concerned the subject's conduct placed the deputies in danger and lulled them partially into a false sense of security by misleading them as to the suspect's whereabouts. She said the subject repeatedly lied to them during questioning about the suspect's location. She also lied to them by describing a phantom vehicle the subject allegedly used to leave the location. The witness stated Subject Price did not follow, what the witness considers, the law enforcement officer code of ethics in her manner of dealing with the on-duty deputies in their lawful performance of their duties. Witness Miller said she hopes Subject Price is held accountable for her conduct displayed on October 25, 2007.

HEWITT, Shalonda L., #[redacted], Deputy Sheriff

Witness Hewitt is a patrol deputy assigned to the Marina Del Rey Station. She was interviewed on January 3, 2008, by IAB Sergeant David Stunson. The interview was audio recorded. She said she remembered the 911 hang-up call and she responded to the location.

Upon arrival, the witness saw the subject holding up her flat badge while also holding her [redacted] in her arms. The witness heard Deputy Schwabe question the subject about why 911 was called and why no one answered the telephone when Marina Del Rey Station desk personnel called her number back. She recalled the subject telling Deputy Schwabe that she and her [redacted] had been involved in an altercation regarding a dispute over the [redacted] intention to take the [redacted] with him and leave the location.

When asked by Deputy Schwabe if the suspect was still at the location, the subject answered, "No." When asked if anyone else was in the residence, she said, "No." The witness said Deputy Schwabe asked the subject questions about how her injuries occurred and repeatedly probed about where the suspect was located. It appeared to the witness the subject was not comfortable with her answers and she seemed to think about the question longer than a typical person would in answering the questions which created suspicion in the deputies' minds.

The witness said while deputies stood by waiting for the subject to provide the information they were asking her, Deputy Crooks saw movement and a shadow in the doorway of the front patio (**Exhibit F, figure 10**) and deputies ordered the individual out to the front yard. The male black adult ([redacted]) was identified by the subject as her [redacted] and he was detained for further investigation. At the end of their field investigation, the suspect was arrested for 273.5 P.C.

Witness Hewitt said Subject Price's actions, her delaying and lying, put "us all in danger." She said the subject was "asked several times as to the suspect whereabouts," but Subject Price mislead the deputies. She said they later found out the suspect had an [redacted] which made the subject's behavior all the more significant for the deputies' safety.

GASKIN, Angela E. #[redacted], Deputy Sheriff

Witness Gaskin is a patrol deputy assigned to the Marina Del Rey Station. She was interviewed on January 3, 2008, by IAB Sergeant David Stunson. The interview was audio recorded.

On the date of the incident, she was working a one person unit and responded along with other assisting units to the 911 hang-up call and arrived at the location. Upon her arrival, she saw the subject come out of the residence with her flat badge open and in her hand. She heard the subject tell deputies that she and her [redacted] had been involved in an argument and he had left the location in a "Honda Accord" prior to the deputies arriving.

Witness Gaskin listened as Deputy Schwabe repeatedly questioned Subject Price about where her [redacted] was. Each time she was asked, Subject Price told Deputy Schwabe he was not there at the location. The witness said a black SUV "with rims, tinted windows, tires hot," (refer to photo, **Exhibit F, Figure 1**) was parked in front of the location. Deputy Schwabe continued to ask the subject about the suspect's whereabouts and she repeatedly said he had left the location; "She clearly stated the suspect was gone. We noticed she had marks on her neck. She lied to us, obstructing us."

The witness went on to say the subject's actions delayed the deputies to a point that they were there for approximately 45 minutes. Witness Gaskin said that the first 20 or 25 minutes of the call were taken up in questioning the subject, just to find out where the suspect was.

COOPER, David S., #[redacted], Deputy Sheriff

Witness Cooper is a patrol deputy assigned to the Marina Del Rey Station. He was interviewed on January 3, 2008, by IAB Sergeant David Stunson. The interview was audio recorded.

Witness Cooper said that he knew Subject Price from prior contacts. At some time in the past, he was contacted by a Department member who asked Cooper to provide the subject [redacted] The witness said he is a certified firearms instructor and the person referring the subject to him, did so because she [redacted]. The witness could not recall precisely when this took place or who it was that referred her to him. Witness Cooper said aside from assisting her for this [redacted] he and the subject do not socialize nor does he consider her to be his friend.

On the date of the incident, he was working with partner Deputy Tahitia Crooks. They responded to the location with other Marina Del Rey Station deputies and upon their arrival saw the subject in the front of her residence. He did not immediately recognize her. He said Subject Price was "not hostile but she was evasive and misleading."

The witness did not become aware that the subject was the person he had [redacted] until he began to photograph her injuries. When conversing with her about her moving her hair and clothing to enable better views of her scratches and red mark injuries, she reminded him of who she was. Up to that point, he did not recognize her.

Witness Cooper characterized Subject Price's conduct at the call as "dishonest" but not totally uncooperative. He said that Deputy Schwabe was the primary person conducting questioning of the subject and the witness found him to be professional and "polite" to the subject during the entirety of this contact. The witness was surprised and concerned after finding out the suspect had [redacted].

CROOKS, Tahitia O., [redacted], Deputy Sheriff

Witness Crooks is a patrol deputy assigned to the Marina Del Rey Station. She was interviewed on January 3, 2008, by IAB Sergeant David Stunson. The interview was audio recorded.

On the date of the incident, she was working with Deputy Cooper when they responded along with other assisting units to the 911 hang-up call and arrived at the location. Upon her arrival, she saw the other Marina Del Rey Station deputies conducting their investigation and speaking with the subject in front of her residence. She said she exited her patrol vehicle and was advised by deputies that the suspect had left southbound from the location.

Witness Crooks said she remembered Deputy Schwabe asking the subject to take the conversation into the house due to the chilly morning and the apparently [redacted] the subject was holding onto while standing outside with deputies. The witness said the subject "did not want to go inside, which was a red flag for me." Deputies then told the subject that they wanted to "clear the house" and again asked the subject for her cooperation in doing so. They also asked her to cooperate in advising the location of the suspect, her [redacted].

The witness said the subject was, "very up and down" in answers regarding why she called 911. The subject, "initially denied there was a physical altercation which conflicted with obvious physical

signs" deputies on-scene could see. The subject kept denying anyone or the suspect was inside the location.

Witness Crooks said the subject, "most definitely was delaying deputies." She said she does not know the subject personally but, "I didn't appreciate her putting us in harm's way."

FOLLOW-UP INTERVIEWS SUBSEQUENT TO SUBJECT INTERVIEW

SCHWABE, Matthew C. #[redacted], Deputy Sheriff

Witness Schwabe was interviewed a second time on May 5, 2008, by IAB Sergeant David Stunson to clarify issues brought out during Subject Price's April 21, 2008, subject interview (refer to the subject's interview transcription). The interview was audio recorded.

The witness said he and his assigned partner for that day and shift (Deputy Jan Miller, October 25, 2007, [redacted]) were the handling unit on the 911 call that day. He said they both questioned Subject Price while standing together in front of the subject. He heard Miller's questions and the subject's answers and Miller was standing right next to him and heard his questions and the subject's answers. He said there were no doubts in his or Deputy Miller's minds about the circumstances the subject told them occurred relative to the situation being a domestic violence incident.

MOORE, Sally J., #[redacted], Deputy Sheriff

Witness Moore is currently a patrol deputy assigned to the Marina Del Rey Station but at the time of the incident in October 2007, she was on a [redacted]. She was interviewed on April 28, 2008, at 2125 hours by IAB Sergeant David Stunson. The interview was audio recorded. The interview was completed subsequent to Subject Price's subject interview to clarify points brought up by Price.

Deputy Moore said a "few days" after the October 25, 2008, incident at the subject's residence, MDR Detective Tim Hazlewood had a telephone message from Subject Price and asked Deputy Moore to call her to see what she wanted. Deputy Moore called Price and the subject asked her "what is the status of the case?"

Deputy Moore recalled that during the conversation with the subject, Subject Price said she was not battered by her [redacted]. Moore said she viewed Deputy Schwabe as one of the more senior, experienced field deputies at the station and she respects his integrity. She could not believe he would write, or influence his junior deputy, Deputy Moore, to write an inaccurate or purposely fabricated report indicating a domestic violence scenario if it did not happen.

Deputy Moore said she delivered a subpoena to the subject's house for the preliminary appearance. She recalled a subsequent conversation she (Moore) had with the handling deputy district attorney regarding Subject Price's subsequent denial of any 273.5 P.C. activity on October 25, 2007. She recalled the deputy district attorney not believing the subject's denial of the occurrence of the battery.

Moore said the deputy district attorney said she would continue with prosecuting the case against Defendant [redacted] because she did not believe the subject's denial of the domestic battery.

For complete details of the interview of Witness Moore, refer to the entire Moore interview transcription in the IAB casebook.

[redacted] (subject's [redacted])

The IAB investigator determined Witness [redacted] could potentially provide key information in an interview to either support or refute the allegations. Since Mr. [redacted] was a defendant in a current prosecution for [redacted] resulting from this incident, his attorney, Robin Yanes, was contacted and an interview appointment for April 8, 2008, was scheduled to take place at Compton Station. On Monday, April 7, 2008, Mr. Yanes called and advised Mr. [redacted] had been hospitalized due to complications from a gunshot wound and he would not be able to appear for the interview.

Over the next several weeks, the IAB investigator attempted to re-schedule the interview through attorney Robin Yanes. Mr. Yanes was unable to accomplish scheduling the interview due to a lack of responsiveness from Mr. [redacted]. Mr. Yanes speculated Mr. [redacted] was having second thoughts about sitting for the interview. A letter requesting [redacted] make himself available for a witness interview was sent, via certified mail, on May 8, 2008, to his attorney's office address. As of the date of this IAB case being submitted, neither Mr. [redacted] nor his attorney Mr. Yanes have responded to the interview request letter.

Refer to Certified Mail Receipt and signature card for the letter in the "Miscellaneous Documents" section of the casebook.

SUBJECT INTERVIEW

PRICE, Felicia R., Deputy Sheriff

Subject Price was interviewed by IAB investigators Sergeant David Stunson and Sergeant Steve Kim at the Internal Affairs Bureau office on April 21, 2008, at 1030 hours. She was represented by attorney Gary Austin. The interview was audio recorded.

Subject Price acknowledged calling 911. She said the purpose of her calling 911 was because she and her [redacted], [redacted], had been arguing and she wanted him to leave her residence. She wanted deputies to come and make him leave.

The subject denied misleading the Marina Del Rey deputies who responded to her home on the 911 hang up call when answering their questions as to the whereabouts of [redacted] Suspect [redacted]. She also denied telling the deputies she was the victim of a domestic battery incident. When asked why the deputies would write a comprehensive 273.5 P.C. report indicating she told them she was battered by her [redacted], she said she had no idea.
Subject Price said she watched Suspect [redacted] walk out of her home and get into a car driven by

another black male and then drive down the street and out of her view approximately 20 minutes prior to the deputies' arrival. This response conflicts with the Incident History Report which indicates deputies arrived within just a few minutes.

She said all the red marks on her neck, back, face and shoulder were the result of "sexual activity" she had with [redacted] during the night, prior to deputies coming to her home. She denied ever telling the deputies she had been battered by [redacted]. When asked why she thought [redacted], the [redacted] of her [redacted], was being arrested that morning, she said she thought it was because he had a warrant. She said within a few days of his arrest, she spoke with an unidentified "female detective" (later identified as Deputy Sally J. Moore, #[redacted]) on the telephone and told her Suspect [redacted] had not battered her and explained the marks were the result of the sexual encounter.

Subject Price was asked but unable to explain how her recollection of the contact with Marina Del Rey deputies could so dramatically differ from theirs' as documented in the Incident Report and from their statements in the IAB witness interviews.

For complete details of the interview of Subject Price, refer to the entire Price subject interview transcription in the IAB casebook.

REVIEW OF THE 991 CALL AUDIO RECORDING

At the beginning of the recording, a woman can be heard screaming unintelligible words and then the line is disconnected.

The desk called the number back and there was a "busy" sound.

The desk called back again, it rings, and a male (apparently [redacted]) answers and a female (apparently Subject Price) comes on the line with the following conversation:

MDR Desk: Hello. This is the Sheriff's Department.

Unk. Male: Hi. Hold on a second. People on the phone (apparently telling someone else at location).

Unk. Female: Hello.

MDR Desk: Hi.

Unk. Female: Hi. Who is this?

MDR Desk: Sheriff's Department.

Unk. Female: Is it Marina?

MDR Desk: Sheriff's Department.

Unk. Female: Hi. Can you hear me?

MDR Desk: Yeah. Barely. Can you take it off the speaker phone?

Unk. Female: Know what? My other part of my phone is not working. I apologize for that.

MDR Desk: Well, we got a 911 call from this phone number.

Unk. Female: (click, indicating apparent disconnection of call)

MDR Desk: Hello?

-----------END OF CALL--------------

REVIEW OF INMATE HOUSING HISTORY FOR [redacted]

[redacted]

[redacted]

REVIEW OF SUBJECT PRICE'S ASSIGNMENT CARD

[redacted] According to the Men's Central Jail Operations Sergeant, George Hosak, their records for In-Service sheets are maintained only back through October 2003. Sergeant Hosak indicated there are no other records or databases which would store information about daily employee work assignments within the jail. Due to the unavailability of this information, it is not possible to identify if the subject ever worked the module where [redacted] was housed between November 2002, and January 2003, or to pursue investigating the possibility of fraternization without any record indicating proximity between the two.



County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



October 21, 2008

Deputy Felicia Price, #[redacted]

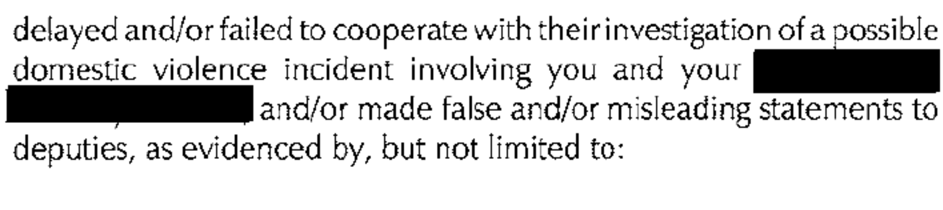
Deputy Price:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business November 12, 2008.

An investigation under File Number IAB 2210407, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.90, Prohibited Association, on or between August 2005 and October 25, 2007, you established and knowingly maintained a prohibited association/relationship with your [redacted] without express written permission from your unit commander to do so.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.37, Unnecessary Interference; and/or 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 3-01/040.70, False Statements, on or about October 25, 2007, after deputies from Marina Del Rey Station responded to your residence following a 9-1-1 hang-up call, you knowingly interfered with and/or



delayed and/or failed to cooperate with their investigation of a possible domestic violence incident involving you and your [redacted] and/or made false and/or misleading statements to deputies, as evidenced by, but not limited to:

a) after identifying yourself as a deputy sheriff, telling deputies "It's all right, he [redacted] is gone," and/or;

b) repeatedly telling deputies that the suspect [[redacted] was not in your house, and/or;

c) that the GMC Denali truck parked outside your residence belonged to you, and/or;

d) after a lengthy delay, telling deputies that he [[redacted] had left in a dark colored Toyota Camry, and/or;

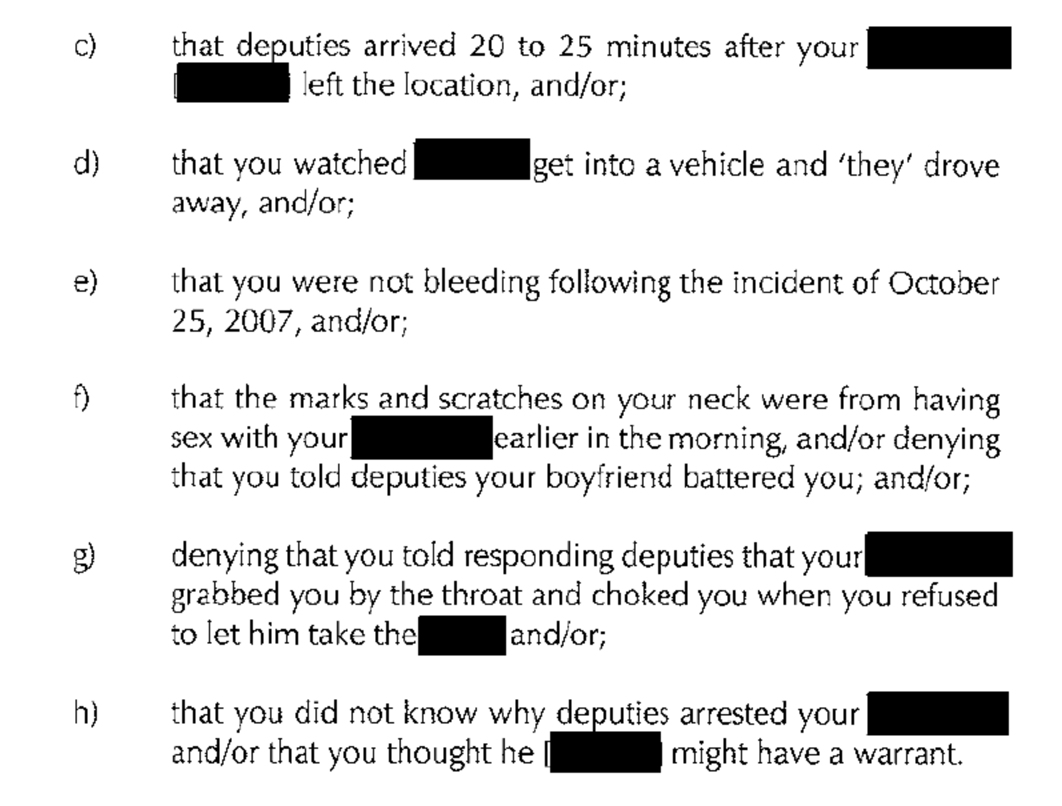
e) refusing to allow deputies inside your residence.

By your actions, you have brought discredit upon yourself and the Sheriff's Department. Your actions further placed responding deputies in a precarious and possibly dangerous situation by their belief that the suspect, who had an extensive criminal history, was no longer at the location. Moreover, your evasiveness and lack of cooperation during their investigation demonstrated a lack of integrity and professionalism that goes against this Department's Core Values and Creed.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about April 21, 2008, during your subject interview, you made false statements to investigators, including but not limited to:

a) that you had not spoken to anyone at Marina Del Rey Station on October 25, 2007, and/or;

b) that your home phone did not ring after you called 9-1-1 and then hung up, and/or;



c) that deputies arrived 20 to 25 minutes after your [redacted] left the location, and/or;

d) that you watched [redacted] get into a vehicle and 'they' drove away, and/or;

e) that you were not bleeding following the incident of October 25, 2007, and/or;

f) that the marks and scratches on your neck were from having sex with your [redacted] earlier in the morning, and/or denying that you told deputies your boyfriend battered you; and/or;

g) denying that you told responding deputies that your [redacted] grabbed you by the throat and choked you when you refused to let him take the [redacted] and/or;

h) that you did not know why deputies arrested your [redacted] and/or that you thought he [redacted] might have a warrant.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Dennis Burns on November 4, 2008, at 1300 hours, in his office, which is located at Twin Towers Correctional Facility, 450 Bauchet Street, Los Angeles, Room E-801. If you are unable to appear at the scheduled time and wish to schedule some other time prior to November 4, 2008, for your oral response, please call Chief Burns' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Burns' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Burns' office by no later than November 4, 2008.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Dennis Burns, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2210407)



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

July 6, 2011

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **FELICIA PRICE** for a hearing on her **discharge**, effective November 13, 2008, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 08-4071.**

The Civil Service Commission, at its meeting held on June 29, 2011, rendered a final decision in the above-entitled case. Enclosed is a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

L. D. Crocker

Lawrence D. Crocker
Executive Director

c: Felicia Price
Elizabeth J. Gibbons
Paul B. Beach
Richard C. Wulliger

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the **discharge**, effective November 13, 2008, from the position of Deputy Sheriff, Sheriff's Department, of:

FELICIA PRICE
(Case No. 08-4071)

ORDER OF THE CIVIL SERVICE COMMISSION

On June 29, 2011, the Civil Service Commission of the County of Los Angeles, having read the record of the hearing, proposed Findings of Fact and Conclusions of Law submitted by the Department, and good cause appearing therefor, over-ruled the petitioner's objections and adopted, as its final decision, the Findings of Fact and Conclusions of Law, and sustained the Department in the discharge.

Dated this 6th day of July 2011.

LYNN ADKINS, President

VANGE FELTON, Member

CAROL FOX, Member

Z. GREG KAHWAJIAN, Member

EVELYN V. MARTINEZ, Member



LOS ANGELES COUNTY

CIVIL SERVICE COMMISSION

FELICIA PRICE	)	
Appellant	)	Case Number 08-4071
v	)	HEARING OFFICER'S
SHERIFF'S DEPARTMENT	)	REPORT
Respondent	)	

I INTRODUCTION

By letter dated November 14, 2008, Sheriff's Department ("Respondent") discharged Felicia Price ("Appellant") from her position as Deputy Sheriff. The stated (in sum) grounds were:

1. Knowingly maintained a relationship with a person with a criminal history without permission.

2. On October 25, 2007, knowingly interfered with/delayed/ failed to cooperate with a Sheriff's investigation and made false/misleading statements to investigating deputies.

3. During the investigation of the above incident, made false statements to investigators.

Appellant timely appealed, denying the charges and added affirmative defenses.

The Civil Service Commission defined the issues:

1. Are the allegations contained in the Department's letter of November 14, 2008, true?

2. If any or all are true, is the discipline appropriate?

Hearings were held on December 8, 9, 15, 16, 28, 29, 2009, and February 9, 2010, before Richard C Wulliger, Esq, Hearing Officer. Appellant was represented by Elizabeth J Gibbons, Esq, and Respondent by Paul Beach, Esq. The matter was submitted.

II EVIDENCE

By way of summary, it is undisputed that Felicia Price, while a deputy sheriff, maintained a relationship with [redacted] who had a criminal record without her commander's permission to do so. On October 25, 2007, Felicia and [redacted] at their home, had a disagreement and Felicia called 911 and hung up; thereafter, the 911 operator called the number from which the 911 call came and someone answered and then hung up. Deputy sheriffs responded to the 911 call at the home. A truck was in the street in front of the house. Price was there and had marks on her neck and elsewhere. Ultimately [redacted] emerged from the house. After a period of time, deputies arrested [redacted] and left the scene, Felicia remaining in her home. Subsequently an investigation ensued during which Felicia, among others, was interviewed by Sheriff's Investigators. The rest of the situation remained in dispute.

Presented by Respondent:

David Stunson testified that he was a deputy sheriff and at the pertinent time, he was an investigator for Internal Affairs. Price was the subject of the investigation and he interviewed her. She told Stunson that she did not know of [redacted] until after their relationship ended. According to Stunson, knowingly associating with a person with a [redacted] does not automatically disqualify a deputy if she gets permission from her commander. Stunson determined that [redacted] had a [redacted] Stunson also interviewed [redacted] former [redacted] and [redacted] both knew of [redacted] and both were at the times in question and are now Sheriff's employees. [redacted] and [redacted] each told Stunson that she told Price about [redacted] after that, Stunson asked Price about that and Price denied that [redacted] or [redacted] told her and said that [redacted] made that up for various reasons. Price said that [redacted] stole her property so Price filed a police report, sued her and got a money judgment. Price told Stunson that she was a witness against [redacted] current husband, a deputy, in an Internal Affairs investigation.

Price told Stunson that her phone did not ring again after the initial 911 call; that deputies arrived 20 to 25 minutes after [redacted] left; that she watched [redacted] drive away with another; that she was not bleeding after the October 25 incident; denied that she told

deputies that [redacted] battered her; denied that she told deputies that [redacted] grabbed her by the throat and choked her; and that she did not know why deputies arrested [redacted] and that she thought he might have a warrant. These statements by Price were not true per Stunson. He also interviewed Deputy Schwabe and other deputies who responded to the October 25, 911 call. They said that Price was uncooperative at the scene.

Matt Schwabe testified that he is a deputy sheriff. On October 25, 2007, a 911 call was received, the operator heard a scream and was followed by a hangup. A call back was unanswered. He and Deputy [redacted] responded to the place from which the 911 call was made. They arrived about 3 to 4 minutes after the call. He contained the house. Price emerged and showed her badge; she said "It's OK; he's gone." Schwabe said "who's gone?" and Price answered that her boyfriend left in a Toyota. Price said "what's this all about?" Schwabe replied that there was a 911 hangup call and a failed callback. Price delayed her answers to several questions and didn't answer several. Price seemed overwhelmed by the deputies' appearance. Price said that the truck in front of the house was hers but a deputy checked with DMV and said that it was registered to [redacted] Price's [redacted]. The truck was warm so it had been recently driven. Prices's neck had several fresh abrasions. Price said that she and her boyfriend had an altercation, that he grabbed her by the neck; she did not say that they were sexually incurred. Other deputies arrived. Concerned with safety, Schwabe wanted to enter the residence to see if the boyfriend was still inside since his truck was warm and he asked Price several times but Price said "no" and Schwabe asked why and Price replied "because it's my right"; Schwabe thought that the deputies could enter because they believed that the suspect was inside. Price said that her weapon was in the garage. No one saw [redacted] enter the house. Schwabe did not know which deputies were in the rear of the house. A deputy saw movement in the house and ordered the person out and [redacted] emerged and was taken into custody. Price delayed the investigation. Price appeared to be the victim of domestic violence and Schwabe gave her victim's literature and offered a protective order and medical care which she declined.

Tahitia Crooks testified that she is a deputy sheriff who responded to the call for services on October 25 and arrived about 5 to 7 minutes after the call. Other units were there when she arrived and Price was in the front of the house. Crooks doesn't recall if the house was contained. Price said that she had an altercation with her boyfriend who then left their house. Price said that there was no physical altercation but to Crooks it looked like there was. Crooks did not hear anyone say that there was bleeding. Price did not complain of pain. Price said, in response to Crooks's question, that no one was in the house. Price said that her boyfriend had driven away with a friend who had picked him up. Price did not answer questions and was not forthcoming which delayed the investigation and wouldn't allow the deputies to enter the house which concerned Crooks for their safety. Sometimes crime victims have difficulty answering questions because they are upset. Crooks saw marks on Price's neck and chest. In a 911 call, deputies could enter the house. Deputy Schwabe did most of the questioning of Price. Schwabe asked Price who owned the truck and Price said that it was hers; sometimes people say that they are the owner when they are a co-owner, not a lie. Crooks saw movement in the house and her partner ordered the person out and [redacted] came out.

David Cooper testified that he is a deputy sheriff and on October 25 responded to the 911 hangup call. He knew Price from the past. Price was not forthcoming in answering questions about what was going on and was not cooperative. Cooper did not hear all questions asked of Price. Cooper was concerned with safety until they knew more. Price said that she was alone in the house, that her [redacted] had left in a car and denied their entry. Cooper was not sure if units were in the rear of the house but believed that the house was contained. Price said that her gun was in the garage. Cooper saw a figure in the house and ordered the person out; [redacted] came out and surrendered. [redacted] said "what's going on?', "why are you doing this to me?", "why are you pointing a gun"? Some victims are evasive, some deny, some elaborate, some are overly cooperative and some change stories.

[redacted] testified that she a sheriff's clerk and had been married to [redacted] She knew that he had a [redacted] She had been a friend of Prices's but that ended when Price was sleeping with [redacted] by then [redacted] Both

[redacted] and her [redacted] told Price of [redacted] criminal record. [redacted] did not get permission to associate with [redacted] took some of Prices's clothes and Price went to the police and also got a small claims judgment against [redacted] Price was an eye witness against [redacted] in an Internal Affairs investigation. [redacted] is not mad at Price.

[redacted] testified that she a Sheriff's custody assistant, the [redacted] of [redacted] and [redacted] She knew of [redacted] criminal record and she told Price, whom she knew.

Dennis Burns testified that he a Sheriff's Chief and reviewed Price's case and determined to discharge her because of her association with a criminal, her lack of cooperation and truthfulness at her house and in the IA investigation. She lacked credibility, had poor judgment and put deputies in jeopardy. Burns considered that Price had no prior discipline and was the victim of domestic violence. The Guidelines allow discharge and nothing else was appropriate. The evidence did not prove that her injuries were the result of domestic violence as the deputies believed or rough sex as Price claimed. If Price believed that [redacted] had left the house, she did not lie in saying so and would not be in violation. The deputies did not say that they were in the back of the house. A person with a criminal record who leaves the house and police had been called doesn't return to the house. Price tried to protect [redacted] and herself by saying that [redacted] was not in the house. Turner and Woullard associated with [redacted] whom they knew to have a criminal record but didn't get permission so that is a violation because they were Sheriff's employees.

Presented by Appellant:

[redacted] testified that he and Price started dating in 2006. He was previously married to [redacted] He has [redacted] dating to prior to his meeting Price. He never told Price about his [redacted] nor did Price ever say anything to [redacted] about a [redacted] He was not proud of his record so didn't discuss it with Price. Price learned of his record only after the October 25 incident when their relationship ended. To his knowledge, neither [redacted] nor [redacted] ever told Price about his [redacted] On October 25, [redacted] drove his truck to his gym and then returned to their house, leaving

the truck in front. Price and [redacted] argued. He did not hit or choke Price. [redacted] went out of the house and drove away with a friend in the friend's Toyota. Around the corner, [redacted] realized that he had forgotten something so returned to the house; he and his friend agreed that the friend would come back to get [redacted] He entered the house thru the rear and he saw no police. About a minute later he saw police and they saw him so he exited. Guns were pointed at him and he was taken into custody; deputies told him that he was arrested for a warrant. After leaving the scene, deputies told him he was arrested for domestic violence. He was not asked how Price's injuries were caused. Earlier that morning, he and Price had rough sex and grabbing and choking are part of that and they did that; any marks on Price were caused by that and nothing else. After that, he went to the gym. They previously had rough sex like that and marks were left and Price did not complain. As to the return call by the 911 operator, the phone did not ring in their house. He listened to the tape of that call and the voices were not either Price's or [redacted] Their phone and another's lines were crossed. These phone troubles, receiving other people's calls and other people getting theirs, had been reported to the phone company.

[redacted] and [redacted] both testified that they are deputy sheriffs and did not respond to the 911 call,on October 25.

Felicia Price testified that she is a former deputy sheriff and is the Appellant. She was a deputy from 1999 until 2008. She met [redacted] and his then wife [redacted] at the same time. She did not socialize with [redacted] and [redacted] did not tell her about [redacted] criminal record nor did they talk about it. Price later met Turner who never told her about [redacted] nor did they discuss that. She did not socialize with Turner. [redacted] did not tell her about his [redacted] Only after the October 25 incident did Price learn of [redacted] and by then they had broken up, on October 25. She did not advise her commander of her association with [redacted] until after they broke up. After [redacted] and [redacted] (now [redacted] broke up and Price started dating [redacted] in 2006, [redacted] stole Price's belongings so Price reported this to the Inglewood police; because [redacted] returned only some of Price's things, Price sued [redacted] and got a judgment. Price testified against [redacted] current [redacted], [redacted] had animosity against Price because she took [redacted] away from her. While Price and [redacted]

lived together, they had a good relationship; they did not argue a lot and there was no violence. Early in the morning of October 25, they had sex, [redacted] choking Price to intensify the orgasm and they had done this before. After their sex, Price went to sleep and [redacted] went to the gym. After he returned they argued. Price said that she would call the Sheriff and while she had the phone in her hand they were yelling. Then [redacted] left and Price hung up. [redacted] drove off. About 20 minutes later, deputies arrived at the house and Price came out with her badge and ID'd herself as a deputy. Price said to the deputies that she made a 911 call and hung up and was not aware that anyone answered. Price told the deputies that she and [redacted] argued and she threatened to call the Sheriff because she thought that [redacted] might leave the house with [redacted] She did not tell deputies that [redacted] had assaulted or grabbed her by the neck. She said that [redacted] left without [redacted] so she hung up. She did not tell deputies that the phone rang after her 911 hangup. She told the deputies that [redacted] had left the house. Deputies told a person in the house to come out and [redacted] came out; she did not know that he had returned. Before [redacted] came out, deputies asked her if they could search the house and she said "no" because if they came in, her business would be all over the station. Deputies did not ask her why she said that [redacted] had left. They cuffed him and put him the patrol car. After [redacted] exited, deputies went into the house. She did not realize that she had marks on her neck until the deputies told her; she saw no bleeding. At the incident, [redacted] did not strike or grab Price. There were no deputies in the backyard. Their dog would bark and bite any stranger coming into the backyard and their dog did not bark. A key is required to get into the backyard and [redacted] had a key. [redacted] and Price regarded the house and truck as theirs and [redacted] frequently drove Price's car; she had a key to the truck. Her gun was not in her home. They have had phone problems: lines were crossed; their phone would ring but it would be for someone else and that other person would get her and [redacted] calls. This was reported to the phone company. She listened to the tape of the 911 operator call back and did not recognize the voice who answered; it was not hers. As a deputy, Price did not have domestic violence or patrol training. She told the deputies everything that she knew and did not know that they would arrest anyone. Then a deputy told her that [redacted] was arrested because of a warrant. Later she learned that [redacted] had

been arrested for domestic violence so she called the station to say that she had not been assaulted or hit; that it was a misunderstanding and her bruises came from sex. After their [redacted] was [redacted] her doctor told her that there were no restrictions on sex but it must be protected. In the 3 weeks from the [redacted] of their [redacted] until the October 25 incident, she and [redacted] had sex several times.

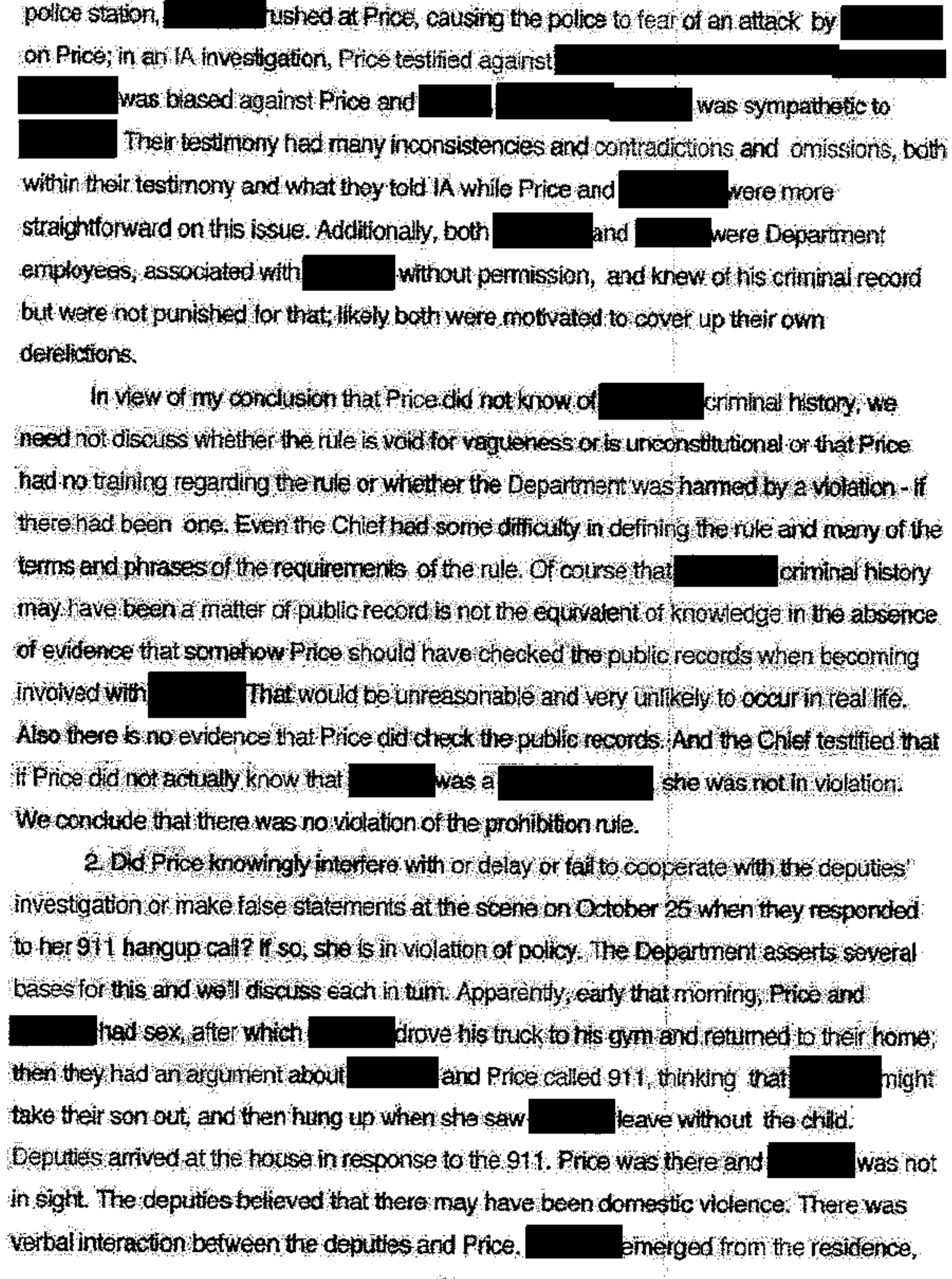
III. DISCUSSION

Deputy Felicia Price was charged by the Sheriff's Department with three offenses (in short):

1. Knowing association with a criminal
2. Interfering with an investigation
3. Lying to investigators

The vast bulk of this case is a question of fact; whom do I believe and why and whom I do not believe and why. The Department has the burden of proof.

1. There is no doubt that Price, while a deputy, established and maintained an association/relationship with her [redacted] who had a [redacted] without written express permission from her unit commander to do so. But did Price know of his [redacted]? If no, she has committed no offense because such conduct, to be misconduct, requires that she knew of his history. I conclude that she did not know his history so is not guilty of prohibited association/relationship. The Department has the burden of proof. The only evidence that it presented to show that Price knew of [redacted] criminal history is the testimony of [redacted] [redacted] and that of [redacted] who testified that they told Price of [redacted] history. [redacted] gave no details as to when, where, who was present etc. Price denied that they told her and denied that she knew of his history. [redacted] testified that he and Price never discussed his history, because he was not proud of his past and did not wish to discuss it. [redacted] and [redacted] were not persuasive witnesses while Price and [redacted] were. [redacted] and Price had many problems between them: Price "stole" [redacted] from [redacted] and there is an ancient legal maxim - "Hell has no fury like a woman scorned"- ; [redacted] took Price's belongings, resulting in a police report by Price against [redacted] and a money judgment in favor of Price against [redacted] for the value of some of those things; at the Inglewood



police station, [redacted]ushed at Price, causing the police to fear of an attack by [redacted] on Price; in an IA investigation, Price testified against [redacted] was biased against Price and [redacted] was sympathetic to [redacted] Their testimony had many inconsistencies and contradictions and omissions, both within their testimony and what they told IA while Price and [redacted]were more straightforward on this issue. Additionally, both [redacted] and [redacted]were Department employees, associated with [redacted] without permission, and knew of his criminal record but were not punished for that; likely both were motivated to cover up their own derelictions.

In view of my conclusion that Price did not know of [redacted] criminal history, we need not discuss whether the rule is void for vagueness or is unconstitutional or that Price had no training regarding the rule or whether the Department was harmed by a violation - if there had been one. Even the Chief had some difficulty in defining the rule and many of the terms and phrases of the requirements of the rule. Of course that [redacted] criminal history may have been a matter of public record is not the equivalent of knowledge in the absence of evidence that somehow Price should have checked the public records when becoming involved with [redacted] That would be unreasonable and very unlikely to occur in real life. Also there is no evidence that Price did check the public records. And the Chief testified that if Price did not actually know that [redacted] was a [redacted] she was not in violation. We conclude that there was no violation of the prohibition rule.

2. Did Price knowingly interfere with or delay or fail to cooperate with the deputies' investigation or make false statements at the scene on October 25 when they responded to her 911 hangup call? If so, she is in violation of policy. The Department asserts several bases for this and we'll discuss each in turn. Apparently, early that morning, Price and [redacted] had sex, after which [redacted] drove his truck to his gym and returned to their home; then they had an argument about [redacted] and Price called 911, thinking that [redacted] might take their son out, and then hung up when she saw [redacted] leave without the child. Deputies arrived at the house in response to the 911. Price was there and [redacted] was not in sight. The deputies believed that there may have been domestic violence. There was verbal interaction between the deputies and Price. [redacted] emerged from the residence,

was arrested and taken away while Price remained at home. What else happened that morning was in dispute.

The Department asserts that the 911 operator called back to follow up on the 911 hangup but the person who answered hung up; while this is true, and although the Department believed that that person was Price, [redacted] and Price testified that they have had continual trouble with phone lines crossed with another phone number and each would get the others' calls; the problem was repeatedly reported to the phone company. They also testified that they did not hear the ring of an incoming call but upon hearing the tape of that call, that the person answering was neither of them. The response of the person answering the followup call was inconsistent with domestic violence between [redacted] and Price. I find that their version of the followup call is accurate.

A major difference between the Department and Price is whether Price knew that [redacted] was in the home when she told the deputies he was not. It is not clear what Price exactly said to the deputies when she came out of the house but presumably she identified herself as a deputy, she said "it's OK, he's gone" and apparently repeated that. According to [redacted] he left the house with a friend in a Toyota which Price saw and a few seconds latter returned thru the back to retrieve some items and then entered the house thru the back door and almost immediately saw the deputies and exited to them. Price asserted that she saw [redacted] leave in the Toyota and did not know that he had returned so that's why she said "he's gone." The deputies did not know if [redacted] was in the premises nor did they see him re-enter. One or two said that they believed that they contained the house thus preventing [redacted] from entering without their seeing him but other deputies had no knowledge of a containment. There is no untruthfulness here by the deputies, only misperceptions and no real eye witnesses as to when and if [redacted] returned. To me, deputies did not see [redacted] enter the house because either he did so before they arrived or after without their seeing him because there was no containment. It is more likely than not, [redacted] left with his friend and promptly returned with Price seeing him leave but without knowing of his return, still believing that he was gone. The Department argues that she said "he's gone" because she knew that he had a [redacted] so that was a motive for her statement, to protect him from further law enforcement involvement and herself from

possible discipline for association but as we concluded above, she did not know that and thus did not have such a motive. It is more probable than not that [redacted] returned to the residence without Price's knowledge so she was not lying when she apparently said "he's gone" or words to that effect.

Price told deputies that the truck parked in front of their house was hers while in fact it was registered to [redacted] Just as the house title was in her name, the house and the truck and a car were used by both and was "theirs" in common parlance. Since Price had no motive to lie about the truck, as discussed above, to "protect" [redacted] or herself, and as a deputy sheriff she'd have to know that the registration is easily obtainable, I believe that she regarded herself as an owner without getting into the legal terminology of who was the actual registered owner. Thus she did not lie to the deputies.

Both [redacted] and Price testified that [redacted] drove away with his friend in the latter's Toyota and there is no evidence that he did not and so Price having seen [redacted] leave hung up her 911 call. There is no reason to believe that Price made up this story especially in view of [redacted] testimony. Again as discussed above, Price had no motive to try to mislead the deputies since she thought [redacted] was gone and she did not know of his [redacted] Thus Price did not lie about seeing [redacted] leave in a Toyota.

On one allegation the parties agree, Price refused admission to the deputies to enter their home. Deputies believing that there may have been domestic violence rightly wished to enter to prevent possible harm and to apprehend a possible law breaker. Price felt that the interior was none of their business, fearing gossip around the station as to what they saw; this won't do. In her defense, she apparently did not think that there was domestic violence or that anyone was in her house but since the deputies apparently made it clear that they suspected the same she should have acquiesced. On the other hand, deputies could have entered without her permission since they thought that there was possible domestic violence so her denial was very little impediment to them. Again we dismiss improper motives to Price. Price was wrong.

Price had red marks on her neck, shoulder and elsewhere. It is unclear what she told deputies how these occurred. Did she say that [redacted] grabbed her neck during an argument or say that it was rough sex or say little as to how it happened? One deputy

said that Price said that [redacted] grabbed her neck but later that deputy said that he was told that by another deputy; Price denies she said that. In any event "grabbed by the throat" is not necessarily inconsistent with rough sex sex as defined by Price and [redacted] As soon as Price learned that [redacted] was charged with domestic violence, she called the detectives to explain what happened and that the marks were from rough sex and not assault. There is no clear evidence as to what Price said so I cannot conclude what she actually said thus there is no basis for claiming that she made a false statement, which the Department has the burden of proving. In addition this was not expressly charged by the Department.

Several deputies testified that it was difficult to get answers from Price upon questioning her at the scene. What we have here is two different perceptions of what happened at the residence. Price looked at this incident as a 911 call because of a quarrel over handling of their child thereby trying to get [redacted] to leave which he did and thus ending the need for a 911 response. On the other hand, the deputies looked at the situation as possible domestic violence. Neither was wrong nor can I conclude that anyone was untruthful as to what they believed happened at the scene. Additionally, Price had no experience with domestic violence and it was not unreasonable for deputies to suspect domestic violence. Neither side was clear as to what happened. Not all deputies were percipient to all of the events and were not unanimous in their versions but I have no doubt that they believed what they said as did Price. The two sides talked around each other. Her less than prompt responses to questions have many possible explanations including a belief by her that there was no need for deputies, that there was no one in the house, that she was confused or intimidated or a less benign motive but the latter was not proved. The marks on Price's neck and elsewhere could have been the result of rough sex or domestic violence. I must conclude that Price did not knowingly interfere with or delay the investigation or make false or misleading statements nor did she intend to do so. However she could have done a better job of cooperating and should have allowed entry into her house; neither of these were malicious but were a result of confusion and emotion and less than good judgment rather than knowingly or intentionally.

3. The third charge against Price was that during the Internal Affairs investigation, she made false statements to the investigator. Let's explore each alleged false statement.

A. "Her phone did not ring after calling 911 and hanging up". This was not a false statement as determined above.

B. "Deputies arrived around 20 to 25 minutes after [redacted] left". I doubt if anyone on either side had a watch calculating the exact time and even deputies had different estimates and that's what this was, an estimate/opinion by Price, not really an assertion of fact. Who knows what was the precise time interval? This was not a false statement.

C. "She watched [redacted] drive away". As decided above, this was a true statement.

D. "She's not bleeding". It's not clear that she said this nor did anyone definitely hear this. No one seemed to indicate that she was bleeding and pictures taken of her immediately upon the deputies' arrival don't show bleeding. Not a false statement.

E. "She denied that she told deputies tha[redacted] her." As discussed above, it is not clear what exactly Price told deputies about the physical aspects of the incident between Price and [redacted] So no false statement here.

F. "She denied that she told deputies that her boyfriend grabbed her by the throat and choked her when she refused to let him take the baby." Again, as discussed above, it is not clear what exactly Price said to deputies about the possible physical aspects. Thus there is no false statement.

G. "Price did not know why deputies arreste[redacted] or that Price thought [redacted] might have a warrant." The evidence points to deputies telling Price that [redacted] was arrested for a warrant and did not tell her why specifically. There is no evidence that she knew otherwise. Only after [redacted] was in the patrol car out of Price's hearing did deputies specify to [redacted] why he was arrested. In fact when Price learned later that [redacted] was charged with domestic violence, she called detectives to tell them otherwise. This was no false statement.

We conclude that these statements were either true or believed by Price to be true or the Department failed to prove, as it must, that any of these statements were untrue and that she knew it.

(The department suggests that Price had a motive to lie, ie to save her job. If that were true, it would apply to every Civil Service case. We reject that as a generalization without more evidence of such motivation).

Since I have found Price not guilty of prohibited association, knowingly interfering with or delaying an investigation or making false or misleading statements or lying to investigators but determined that her level of cooperation and judgment could have been better, what penalty should be imposed? The most serious charges were in her favor. There are no express provisions in the Guidelines covering this but the closest are 3-01/030.05 which recommends 3 to 7 days suspension for failure to cooperate with the investigation of another law enforcement agency and under 3-01/040.85, 10 to 15 days for the same conduct. Since Price had no prior discipline and was a longtime employee and this was a one time incident and there was no indication that she is likely to repeat, her integrity was not compromised and the "focus of discipline should be the creation of corrective action rather than punishment for punishment's sake" per Sheriff Baca, I recommend a 30 day suspension which is not seriously inconsistent with the above Guideline sections. Any greater discipline would be inappropriate.

Price submitted examples of discipline less than discharge but these were only letters of intent and without any showing that those deputies were similarly situated to Price so they were not especially helpful.

There was no suggestion that Price's Skelly rights were violated.

IV FINDINGS OF FACT

1. Appellant had been a County employee for approximately 9 years

2. Appellant had no prior discipline

3. Appellant did not knowingly associate or form a relationship with a person with a criminal history

4. Appellant did not knowingly or intentionally interfere with or delay an investigation or lie to or mislead investigators

5. Appellant did not lie to investigators

6. Appellant's level of of cooperation with investigators and judgment could have been better

7. Finding 6 warranted discipline

8. A 30 day suspension would be appropriate and would not violate the Guidelines and any greater discipline is not indicated.

V CONCLUSIONS OF LAW

1. Skelly requirements were met

2. The charges against Appellant are not sustained except that her level of cooperation and judgment could have been better

3. Appellant should be suspended for 30 days and not discharged

V RECOMMENDATION

Appellant should be suspended for 30 days and not discharged

March 24, 2010

Richard C Wulliger

Richard C Wulliger, Hearing Officer



County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

November 14, 2008

Deputy Felicia Price, [redacted]

Deputy Price:

On October 21, 2008, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2210407. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on November 13, 2008.

An investigation under File Number IAB 2210407, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.90, Prohibited Association, on or between August 2005 and October 25, 2007, you established and knowingly maintained a prohibited association/relationship with your [redacted], [redacted], a person with an open and notorious reputation in the community for criminal behavior and/or who had an extensive criminal history, without express written permission from your unit commander to do so.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.37, Unnecessary Interference; and/or 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 3-01/040.70, False Statements, on or about October 25, 2007, after deputies from Marina Del Rey Station responded to your residence following a 9-1-1 hang-up call, you knowingly interfered with and/or delayed and/or failed to cooperate with their investigation of a possible domestic violence incident involving you and your [redacted], [redacted], and/or made false and/or misleading statements to deputies, as evidenced by, but not limited to:

   a) after identifying yourself as a deputy sheriff, telling deputies "It's all right, he [redacted] is gone," and/or;

   b) repeatedly telling deputies that the suspect [redacted] was not in your house, and/or;

   c) that the GMC Denali truck parked outside your residence belonged to you, and/or;

   d) after a lengthy delay, telling deputies that he [redacted] had left in a dark colored Toyota Camry, and/or;

   e) refusing to allow deputies inside your residence.

By your actions, you have brought discredit upon yourself and the Sheriff's Department. Your actions further placed responding deputies in a precarious and possibly dangerous situation by their belief that the suspect, who had an extensive criminal history, was no longer at the location. Moreover, your evasiveness and lack of cooperation during their investigation demonstrated a lack of integrity and professionalism that goes against this Department's Core Values and Creed.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about April 21, 2008, during your subject interview, you made false statements to investigators, including but not limited to:

b) that your home phone did not ring after you called 9-1-1 and then hung up, and/or;

c) that deputies arrived 20 to 25 minutes after your boyfriend [redacted] left the location, and/or;

d) that you watched [redacted] get into a vehicle and 'they' drove away, and/or;

e) that you were not bleeding following the incident of October 25, 2007, and/or;

f) denying that you told deputies your [redacted] battered you, and/or;

g) denying that you told responding deputies that your [redacted] grabbed you by the throat and choked you when you refused to let him take [redacted] and/or;

h) that you did not know why deputies arrested [redacted] and/or that you thought he [redacted] might have a warrant.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

LARRY L. WALDIE
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LLW:RAA:KM:if

c: Advocacy Unit
Dennis H. Burns, Chief, Custody Operations Division
Anthony Ward, Captain, Twin Towers Correctional Facility
Internal Affairs Bureau
Office of Independent Review (OIR)
Joseph F. Fennell, Captain, Personnel Administration